Supreme Court
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No. _____

In The

Supreme Court of the United States

October Term, 1995

MAURICE L. TURNER, PRO SE

Petitioner

vs.

IRENE BROWN, NELLIE BROWN TURNER THOMPSON

Respondents

On Petition For Writ Of Certiorari To The United States Court Of Appeals For The Ninth Circuit

PETITION FOR WRIT OF CERTIORARI

MAURICE L. TURNER
Pro Se
5742 West Frier Dr.
Glendale, Arizona 85301
(602) 939-3290

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7 BP

QUESTIONS PRESENTED

1. Whether a person has the right to leave a last will and testament of their assets that they may own, and have a proper probate of their estate, and leave the estate to whom ever they wish.

2. Whether citizens of the United States of America have the right to fraud other citizens of their property by means of forgery, conversion, trickery, and deceit.

LIST OF PARTIES

The parties to the proceedings are:

Petitioner:

Maurice L. Turner Pro Se

Respondents:

Irene Brown and Nellie Brown Turner Thompson

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OPINIONS BELOW

The decision of the United States District Court for the District of Arizona, granting respondents decision by the Court-lack of subject matter jurisdiction without prejudice.

STATEMENT OF JURISDICTION

This Court's jurisdiction to review a decision of the United States Court of Appeals for the Ninth Circuit, affirming the decision and final judgement of the United States District Court for the District of Arizona is invoked pursuant to 28 U.S.C. § 1254(1).

STATUTES INVOLVED

§ 55. Controversies Between Citizens of Different States

The Constitution and the statutes enacted pursuant thereto provide for federal court jurisdiction of controversies between citizens of different states.

The Constitution provides that

federal judicial power shall extend to controversies between citizens of different states, and Congress has provided 28 U.S.C.A. § 1332, that the district courts shall have original jurisdiction of all civil actions for the matter in controversy exceeds a specified sum or value and is between citizens of different states. Diversity jurisdiction was created to alleviate fears that an out of state litigant might be subject to local bias in the courts of the state where his adversary resided, and to afford suitors the opportunity at their option, to assert their rights in the federal rather than the state courts.

No._____

In The Supreme Court
Of The United States Of America

October Term, 1995

Maurice L. Turner Pro Se,
Petitioner,

vs.

Irene Brown,
Nellie Brown Turner Thompson,
Respondents,

Petition For Writ Of Certiorari
To The United States Court Of Appeals
For The Ninth Circuit

Petitioner, Maurice L. Turner, respectfully prays that a writ of certiorari issue to review the judgement and opinion of the United States Court of Appeals for the Ninth Circuit filed, December 27, 1995.

Maurice L. Turner Pro Se ph.#(602)939-3290, 5742 W. Frier Dr. Glendale,AZ 85301

The mention of fraud in my appeal against me I feel should have been queried, possibly it was overlooked. The fact my grandmother Nelle M. Brown and the closing of her estate, within the closing of her daughter, Corinna J. Brown's estate, is I feel an act of fraud against Nelle M. Brown, her estate and her rightful heirs, which were none of her three children nor her daughter in law Irene Brown of Lewisburg, Ky. The acts of fraud committed against Nelle M. Brown began in 1937 and continued throughout the remainder of her life. Her husband Robert E. Brown and her three children James T. Brown, Nellie Brown Turner Thompson, Corinna J. Brown and Irene Brown all claimed to have owned Nelle Brown's property, when in fact Nelle Brown inherited the property from John Wilson her grandfather the only quaestus since the year 1907.

The acts of fraud and forgery were committed against Nelle M. Brown by her daughter Corinna J. Brown. Nelle M. Brown's personal bank accounts were withdrawn from banks in the state of Kentucky and redeposited in banks in Arizona in Corinna Brown's accounts. Nelle Brown's social security checks were forged by Corinna J. Brown and deposited in her own accounts in Phoenix, Az. The

settlement of crop monies from proceeds from Nelle M. Brown's property located in the state of Kentucky were divided up and distributed to Irene Brown, Nellie Brown Turner Thompson and Corinna J. Brown. These acts of fraud were committed both before and after Nelle M. Brown's death.

The people involved had no right or claim to any property owned by Nelle M. Brown. The inclusion of Nelle M. Brown's estate in Corinna J. Brown's estate was I feel a continuation of fraud, and covering of monies and property at the same time Nelle M. Browns estate was being probated in the state of Kentucky.

The remaining two children and Irene Brown (daughter in law) planned the theft of Nelle M. Brown's property in the states of Arizona and Kentucky. By their acts of forgery, signed Nelle M. Brown's documents and converted money and property to themselves, leaving nothing remaining to be distributed to the rightful heirs of Nelle M. Brown's estate.

The full faith and credit clause, included in Article IV of the Constitution of the United States,I feel protects rightful owners of their property. This clause I feel, protects and supersedes any state law, and the Supreme Court has always held that a judgement must be given

the same res jurisdicta effect that it enjoys under the law of the state of it's rendition.

CONCLUSION

I am now asking and pleading to your court (my court of last resort) to make the agreement dated August 17, 1987, drafted and signed by the two named respondents and entered into the Arizona Superior Court, to be null and void, and the agreement of August 7, 1986 signed by Irene Brown and Nellie Brown Turner Thompson, be enforced. This would then erase the ultimate act of fraud that was committed against Nelle M. Brown and her estate.

Respectfully Submitted,
Maurice L Turner

Maurice L. Turner
May 16, 1996

LIST OF TRANSCRIPTS

a. Transcript of the appointment of administrator of Nelle M. Brown's estate, will, and delay motions.

b. Transcript of a timber harvesting-dated 1984, Nelle Brown farm.

c. Transcript of a timber harvesting-dated 1981, Nelle Brown farm.

d. Transcript of handwriting examiner findings, reference: accounts and deeds.

e. Transcript of handwriting examiner findings, reference: govt. checks.

f. Transcript of a tax statement and reply note, Logan Co. KY, 1987.

g. Transcript of a copy of a letter-Corinna Brown to an attorney, declaring her sole beneficiary.

h. Transcript of a copy of a letter-Corinna Brown to U.S. Agriculture Dept., state of Kentucky.

i. Transcript of Epitaph of life of Nelle M. Brown, written by Corinna Brown, dated-1981.

j. Transcript of a copy of stock statement, dated-1984.

k. Transcript of copy of a letter from Nelle M. Brown to Richard Turner, dated-1980.

l. Transcript of copy of a demand from Nellie Thompson for an appeal, dated-August 1987

ARTICLE "A"

Maurice L. Turner's explanation
and opinion

Attached transcript of copy of appointment of Charles W. Turner as administrator of Nelle M. Brown's estate, May 28, 1987. Transcript of copy of presentation of will of Nelle M. Brown. Transcript of copy of motion of Irene Brown to continue and delay the probate of Nelle M. Brown's estate in Kentucky. I feel this was an act of fraud against Nelle M. Brown and her estate and administrator.

Transcript of a copy of the appointment of administrator to Nelle Brown's estate

Commonwealth of Kentucky Court of Justice

County: Logan
Court District: Logan

In re Estate of Nelle M. Brown, Birth date of decedent 10/23/1883. Res. Route #2 Box 290 Lewisburg KY who died intestate on the 2nd day of Feb, 1984.

Petition for appointment of administrator.

Petitioner Charles W. Turner states that the statements in the caption are true and the names of the surviving spouse, heirs at law and next of kin known to applicant are as follows.

Name: Nellie Brown Thompson
Relationship: daughter
Age: 76 Address: 10037 Suez Dr. El Paso TX 79925
Name: Corinna J. Brown
Relationship: daughter
Age: deceased

Etc... Etc...

Petitioner prays that Charles W. Turner (grandson of decedent) 1130 E. Central Ave. Miamisburg OH be appointed as executor-administrator of said estate who offers as surety on bond the following; petitioner prays that all statements in the foregoing are true. /s/ Charles W. Turner 1130 E. Central Ave. Miamisburg OH subscribed and sworn before me by petitioner this 28th of May 1987.

My commission will expire 08/08/90 /s/ Richard T. Ford Kentucky at large.

Etc... Etc...

Transcript of a copy of a presentation of will

Commonwealth of Kentucky, Logan District Court. No. 87-P-129
In Re; the estate of Nelle M. Brown, deceased (amended notice of hearing)

Please take notice that Charles W. Turner, by counsel, will present the Will of Nelle M. Brown for probate on the 15th day of June, 1988, at the hour of 1:00 P.M., instead of the 16th day of June, 1988, at 1:00 P.M. This 9th day of June, 1988. Richard T. Ford, P.S.C. by /s/ Russ Wilke.

Certificate of service
Jesse L. Riley, Jr. Mrs Nellie Brown Thompson Mrs Nancy L. Donaldson Mr. Maurice L. Turner Mr. Claude A. Turner

This 9th day of June, 1988 Richard T. Ford by /s/Russ Wilkey 121 W. 2nd St. Owensboro, KY 42301

Logan Dist. Court Case#87-P-129
In Re: The estate of Nelle M. Brown, deceased.

ORDER

Upon motion of Irene Brown, it is

hereby ordered that the above styled petition for probate which is now scheduled for Aug. 17th 1987, be, and same is, hereby continued until Sept. 14th 1987, at which time same will be heard.

Enter 10th day of Aug. 1987. /s/ signature unreadable. Judge Logan County District Court.

ARTICLE "B"

Maurice L. Turner's explanation
and opinion

This transcript of a copy of a letter from attorney to Corinna Brown, explaining distribution of monies.

Nelle m. Brown deceased Feb. 2nd 1984, just sixty days before contract was drawn to cut timber on her property.

I feel her rights were violated and fraud was committed against her and her estate.

Not even the ninety days allowed for probate of ones estate was ever acknowledged. If not 100%, at least 50% of monies was owned by Nelle Brown, but was divided and 100% of monies was payed to Corinna Brown, Irene Brown, and Nellie Brown Turner Thompson. None of these three people were mentioned in Nelle Brown's last will.

Transcript of a copy of a letter of timber harvesting dated 1984 Nelle Brown Farm

Jesse L. Riley Jr. Attorney at law, Kirkpatrick Bldg. Russelville KY 42276 726-7554

April 2, 1984

Mrs. Corinna Brown 2 N. 30th Dr. Phoenix AZ 85009

Dear Mrs. Brown; please find enclosed timber contract which I have prepared at your request and the request of Clacy Hinton, with Hinton Lumber Company.

If you find same in order, you should sign the enclosed document; forward the contract, togethter with the affidavit of change of name to your sister, who in turn should return it to Mrs. Irene Brown in Lewisburg, who should return it to me. I will hold the documents until such time as Mr. Hinton brings to me three checks which total $71,000.00. In the event you have any questions relative to the enclosed documents, please feel free to advise. Yours Very Truly, /s/ Jesse L. Riley Jr. cc: Hinton Lumber Co., Lewisburg KY 42256 Mrs. Irene Brown Lewisburg KY 42256

ARTICLE "C"

Maurice L. Turner's explanation
and opinion

Attached transcript of copy of contract dated August 29th 1981 between Corinna Brown and Clacy Hinton, did not include Nelle M. Brown. This was three years before Nelle's death. She owned 100% of the property described and the timber on it. This contract when signed by Corinna Brown was a definite act of fraud I feel.

Transcript of a copy of a timber contract

This contract made and entered into, this 29th day of August 1981 by and between Corinna Brown of Lewisburg County of Logan State of Kentucky, party of the first part, and Hinton Lumber Company, party of the second part.

Witnesseth: That said party of the first part for and in consideration of the prices, and upon the conditions hereinafter mentioned, do hereby grant, bargain, sale, convey, and confirm, to the said party of the second part. Etc... Etc...

The said party of the first part covenants that she is the lawful owners of the timber on the above described lands, Etc... Etc...

IN TESTIMONY WHEREOF, we have hereto set our hands and seals, this, the day and year first above written. /s/ Corinna Brown, party of the first part.

By /s/ Clacy Hinton, party of the second part.

RECORD OF PAYMENT OR EMPLOYEE PAY STATEMENT

Date: 08/29

To the Order of: Corinna Brown

Net Amount: $7,600.00

ARTICLE "D"

Maurice L. Turner's explanation
and opinion

Attached transcript of copy of letter and finding dated April 1st 1988. The evidence submitted, deeds on property in Arizona, bank accounts in Arizona, stock in accounts listed.

Conclusion of the handwriting examiner-forgery.

I feel this proves fraud against Nelle M. Brown.

Transcript of a copy of a handwriting Examiner Findings

Robert A. Massie

April 1, 1988
Mr. Charles Turner
Administrator
Nelle Brown Estate
1130 Central Ave.,
Miamisburg, OH 45342

LAB NUMBER: 88083-50-17

SUBJECT: DOCUMENT EXAMINATION

On March 22, 1988 the Document Lab received the evidence listed below Etc... Etc...

EVIDENCE SUBMITTED:

Questioned signature Nelle M. Brown or Nelle Brown as they appear on the following documents: Q-1 Last Will and Testament, dated 04/30/48. Q-2 Holographic Will, dated 01/05/83. Q-3 An indenture, dated 09/25/69. Q-4 Quit Claim Deed dated 03/11/83. Q-5 Quit Claim Deed dated 03/11/83. Q-6 Copy of First Federal Bank signature card. Q-7, Q-8, Q-9, Q-10, Q-11, Q-12, Q-13, Q-14, Q-15 all bank card and bank accounts. Q-16 carbon copy of Waddell and Reed service request form dated 05/16/79. Q-17 carbon copy of Waddell and Reed

service request form dated 05/16/79. K-1 Collected handwriting of Nelle Brown on numerous letters, envelopes, Social Security Card, and cancelled checks, dating from 1937 through June 1980.

REPORT OF FINDINGS:

Academic and forensic analytical studies have been made and completed on the above evidence. Etc... Etc...

(5) It is my conclusion that signatures Q-4, Q-5, Q-16, Q-17 are forgeries. Q-4 and Q-5 are bungled attempts at simulation, while Q-16 and Q-17 were probably penned by the same person who wrote the first signature on each document. Etc... Etc...

Respectfully Submitted /s/ Robert A. Massie (Examiner)

ARTICLE "E"

Maurice L. Turner's explanation and opinion

Transcript of a copy of a letter and findings of handwriting examiner dated June 14, 1988.

The examined U.S. Treasury checks made to Nelle M. Brown were signed, countersigned, and deposited in Corinna J. Brown's accounts in Phoenix, AZ.

This I feel was an act of fraud and conversion against Nelle M. Brown.

Transcript of a copy of a handwriting examiners findings

Robert A. Massie

June 14, 1988
Mr. Charles Turner
Administrator
Nelle Brown Estate
1130 E. Central Ave.,
Miamisburg, OH 45342

LAB NUMBER: 88083-50-17

SUBJECT: DOCUMENT EXAMINATION

On June 13, 1988 the evidence listed below was received by the document lab, accompanied by a request to effect additional comparative handwriting studies. This report is supplemental to that submitted on April 1, 1988.

EVIDENCE SUBMITTED:

Q-18 Questioned signature "Nelle Brown" on reproduced copy of U.S. Treasury check# 91,606,717 dated 12/31/81.

Q-19, Q-20, Q-21, Q-22, Q-23, same question on reproduced copies of U.S. Treasury checks.

K-1 Comparison standards as listed on original report.

REPORT OF FINDINGS:

Additional analytical studies have been completed on the above evidence

Etc... Etc... From that year forward her handwriting shows a steady deterioration in quality. I am extremely doubtful she possessed the ability in 1981 and 1982 to pen her name with the fluency exhibited on Q-18 through Q-23 Etc... Etc... Respectfully Submitted. /s/ Robert A. Massie (Examiner)

Transcript of a copy of a U.S. Treasury check. Check# 91,606,717. Payable to the order of Nelle Brown 2 N. 30th Dr. Phoenix, AZ. Amount: $299.90
Dated: 12/31/81
Signed and Countersigned: Nelle Brown, Corinna Brown.

ARTICLE "F"

Maurice L. Turner's explanation
and opinion

Transcript of a copy of tax statement dated November 11, 1987, Commonwealth of Kentucky to Nelle Brown, 2 N. 30th Dr. Phoenix, AZ, and transcript of a note attached. Transcript of the note proves no property was owned or no record of such was recorded. The property was listed in Nelle Brown's name three years after her death.

I feel this is an act of fraud against the estate of Nelle M. Brown.

Transcript of a copy of a tax statement and a reply note

Commonwealth of Kentucky

Account#: 25103-3
Bill#: 1086
Sheriff: Danny Blick
Date: 11/10/87
Total Tax: $123.42

Acres 237

County Clerk: Kenny Chapman
Addressed: Brown Nelle Mrs.
2 N. 30th Dr.
Phoenix, Az 85009

Transcript of a copy of a reply note: Mr. Turner, Enclosed is a copy of 1987 taxes for Mrs. Nell Brown property. It has been paid 11/10/87, we have no record of Mrs. Corinna J. Brown property. If you could let us know where to apply this check. We will gladly clear this bill. #3412 belongs to a Marvin Harris.

ARTICLE "G"

Maurice L. Turner's explanation
and opinion

Nelle M. Brown, as so stated in this transcript of a copy of a letter dated March 8, 1984 to Mr. Riley from Corinna Brown, ignored a deed that was drawn up and dated July 18, 1946.

This deed was never signed by Nelle M. Brown. This deed with signatures has, as of todays date never been produced.

A deed was recorded in the Courthouse in Russelville, KY Countyseat of Logan County, dated July 18, 1946 but no signature of Nelle M. Brown exists on it, another act of fraud I feel.

Transcript of a copy of a letter Corinna Brown to an attorney declaring her sole beneficiary

March 8, 1984

Mr. Jesse Riley
P.O. Box 148
Russellville, KY 42276

Re: Estate of Nelle Brown

Dear Mr. Riley:

Thank you for taking the time to talk to me today regarding the estate of my mother. I am attaching a brief resume' of various transactions for your benefit plus some documents that are in my possession. You will note there are some missing pieces.

My sister, Ellaoise Brown Turner, lives in El Paso, TX at the present time and is remarried to Arlie Thompson. I will contact her to see how her divorce papers reads but do not want to stir this up unless you tell me it is absolutely necessary.

My intentions are to buy the farm from the various heirs no matter who they turn out to be.

My mother always chose to ignore the

deed of July 18, 1946 because she signed it under duress thinking this was the only thing she could do at the time. Why the one deed was made to my father only was another thing that irked her because she was always the business head of the family. this is all water under the dam now, I suppose what is done is done.

Call me at the office (602) 249-2860 or at home (602) 278-8218 at your earliest convenience especially about the timber because I have buyers pressuring me every week.

Yours very truly,
Corinna Brown

cb
Attach.
6 Documents

BRIEF RESUME' of Transactions

1. Deed- J.A. Simmons.....Oct.10, 1914
2. Deed- J.A. Simmons.....July 9, 1918

My mother owned a part of the farm that had been given her from her mother.

3. Deed- R.E. Brown and wife from J.A. Simmons.....May 1924 enclosed.
4. Commissioner sale- R.E. Brown and Al.....Sept 1936 enclosed.
Farm was sold at courthouse for a small amount owing to E.C. Harper on a note. Bid in by Sam Milam and new deed made(This is the one that listed my father only)
5. New deed to R.E. Brown only (Missing)
6. Death of R.E. Brown without will.....Dec. 4, 1944
6. Son, James T. Brown, filed affidavit of descent July 18, 1946 enclosed. (Don't know if probate was made at this time)
7. Had new deed made to children.....July 18, 1946 enclosed. w/mother, Nelle Brown given life time estate.....Corinna Brown Ellaoise Turner & husband, Charles Turner (divorced 20-25 years ago) James Brown (now deceased) & wife Irene Brown.

8. Nelle Brown died Feb. 2, 1984. Death certificate enclosed, says she was a resident of Arizona for five years. Left <u>will</u> dated April 30, 1948 enclosed, giving everything to Corinna Brown. Attorney here says don't need to file probate because she owned no property here - had some in the bank and joint tenancy with myself.

Questions raised by attorney here:

1. Is KY a common-law state? In other words, did the deed to children give 1/2 of farm to children or all of it.
2. Where does Charles Turner fit into picture?
3. Do I need to file a probate in KY?
4. Who is the administrator of the estate now?
5. Can I sell timber now without any legal entanglement if sister, sister in-law, and I agree?

ARTICLE "H"

This transcript of a copy of a letter is an act of fraud and cover-up, I feel because of the missing pieces mentioned in the letter dated March 8, 1984, Article "G".

The one missing piece that Corinna Brown did not produce to attorney was the divorce papers of Nelle. M. Brown and Lee H. Cook.

This marriage and divorce of the above named, caused the will Corinna mentioned in the resume be null and void in the state of Kentucky. The will that she produced, that made her sole beneficiary.

Transcript of a copy of a letter from Corinna Brown to U.S. Dept. of Agriculture

2 N. 30th Drive
Phoenix, AZ 85009
July 29, 1985

U.S. Dept. of Agriculture
Logan Co. ASC Committee
Bethel Shopping Center
Russellville, KY 42276

Re: Nellie Brown Farm
D 1772

Gentlemen:

Thanks for your letter of July 8 relative to Nellie Brown's farm in Logan Co. Yes, my mother passed away Feb. 2, 1984. Since she lived with me the last few years, I have taken care of her business matters previously. Luckily, she was aware of everything that went on almost to the day of her death at 100 years of age.

the farm, at the present time, is actually in three peoples names; my sister, Ellaoise Thompson, my sister in-

law Irene Brown, and myself, Corinna Brow. It will stay that way until I buy the other two heirs out. So any business that needs to be transacted should be addressed to myself at the address you have in Phoenix, AZ. I intend living on the farm next year when I retire.

I f you have any questions regarding the farm, you may refer to Jesse Riley, Jr. who handled the business affairs at the time of my mothers death.

yours very truly,
/s/ Corinna Brown

cb

United States Department of Agriculture

Agriculture Stabilization and Conservation Servive

To: Corinna Brown
2 N. 30th Drive
Phoenix, Az 85009

Date: July 8, 1985

From: Logan County ASCS Office
Bethel Shopping Center
Russellville, KY 42276

Subject: Nellie Brown
D 1772

Mr. Alfred Danks came into the Logan Co. ASCS Office and reported he had planted 75.0 of soybeans on the Nelle Brown farm.

He advised us that Ms. Brown has passed away. We need to get the farm record up to date in our office. Please advise us how the farm should be listed. W e will either need a deed showing who owns the farm now or the papers showing the person that is in charge of the estate.

Enclosed you will find a crop report which needs to be signed by either the Extrx. of the estate or the present owner.

Please sign where the red x is marked
Thank you.

ARTICLE "I"

This transcript of a copy of typewritten story of the life of Nelle M. Brown. This was written by her daughter Corinna Brown, 1981.

Here she claims Nelle owned the farm in Kentucky. In Article "C" she, Corinna claimed to own the property.

I feel this is an act of fraud.

Transcript of a copy of an epitaph of the Life of Nelle Brown

NELLIE BROWN, Mother of Corinna Brown

Born in Kentucky Oct. 23, 1883, the eldest of five children, she was reared on the family farm and began teaching school at eighteen years of age in Country Schools in Logan Co., KY. Married Robert E. Brown, a well-to-do farmer from an adjoining county and moved to their own home about twenty miles away. They were Southern Baptists and took an active part in church work where ever they were. She played the organ in church an taught various Sunday School classes. They had three children at this location and then purchased her old home place and moved back to Logan Co. where she resumed teaching in Country Schools (8 grades in one room).

She has always considered education a must and encouraged many a child to go on to better and bigger things. She was well known as a teacher and even after 25 years of active teaching, she was called back to teach the local school at age 70.

In addition to rearing her own three children, she helped raise three orphan

boys and three grandchildren and one great-grandchild. These were all sent thru high school.

Nellie is very independent and even at the age of 99, gives Corinna a run for her money. She resides with Corinna but continually talks of gardening and farming in Kentucky where she still owns the 200 acre home place.

We all hope she reaches the 100 year mark October 23.

(picture exists in this space)

1981- Nellie with Sam (the cat)

ARTICLE "J"

This transcript of a copy of stock statement dated 1984.

The address was to Nelle M. Brown, Corinna Brown, c/o C.L.C.,2 N. 30th Dr., Phoenix, AZ

The address to Cosgrove, Lowrie, Cleveland 2527 W. Camelback Rd. Phoenix, Arizona was the company and the address where Corinna Brown was employed.

This I feel was an act of fraud against Nelle Brown causing her to believe stocks were to a company.

2 N. 30th Dr. was a private home where Nelle resided.

Transcript of a copy of a Stock Statement

MERRILL LYNCH
READY ASSETS TRUST
& Summary Statement

Account #: 063 41270449-6
Social Security#: 402-028-9872
Dealer #: 412
Broker #: 070449
Account ex #: 2092

Nelle Brown &
Corinna J. Brown JT Ten
c/o C-L-C
2 N. 30th Dr. Phoenix, AZ 85009

Etc... Etc...

Date: March 31, 1984
April 27, 1984

Total Shares: 12,660.080

ARTICLE "K"

This is a transcript of a copy of a letter written by Nelle M. Brown to Richard Turner (now deceased).

This letter and at least 25 more of the same nature were withheld or were not discovered until late in the appeal process.

Nelle Brown at the time the letter was written, was ninety-seven years of age, very alert, but crippled with arthritis and could not walk.

She explains in the letter of monies being stolen from her, and monies being owed her. She was asking for help.

Transcript of a copy of a letter from Nelle Brown to Richard Turner

(Dated Envelope Oct. 14, 1980)

My Dearest Friend!

I can't get your address to save my life the ones that try to make me do what they say. I am living with a Devil. I am crazy to go to my home no one to help me. Now I will try to get to my home this next week, I got your letter last evening was hunting for a lost cat and waited to read it one got it and hid it from me. I never got to read it I am living in Devil's hell. You don't know, they steal everything of mine I can't have anything.

(2)

Corinna stole my last check $300.00 she owes me 30 thousand dollars and keeping me here to get the rest 10 times that amount. Did you get the letter I wrote making you a good trade to make you a rich man some day. I write you and you never see them they work by the office and go to the office and steal my letters to you. I did not read the last one I am living in torment. If you will come after me I will give you $100.00 if you

to stay with me, I have lived alone before if you come she works all day comes home to dinner I can take my clothes until later I will find someone to stay with me.

(3)

I will try this letter you may not get it

I am living in torment $ her. Corinna is keeping me so she can get all my money she stole $300.00 last month she uses my money all the time are you going to set still and let her get thousands of dollars soon as I am gone she put $100.00 dollars on one tooth yesterday she is just stealing my money all the time runs after me at night Don't tell anything I want to get home she don't aim for it to happen. Write me I will watch the mail

/s/ Nelle,
You will know me

ARTICLE "L"

This is a transcript of a copy of a letter from Nellie Thompson to Maurice Turner. She requested that I appeal court's decision on the agreement drawn up by the four attorneys dated Aug. 17, 1987 in Phoenix, Arizona, in the estate of Corinna J. Brown.

I feel there was fraud in the estate.

The letter from Nellie Thompson is self explanatory.

Transcript of a copy of a handwritten letter demanding appeal

El Paso, Texas
Aug. 31, 1987

Dear Maurice;

I demand that you apply for an appeal for me in the case of the estate of Corinna J. Brown civil action # P151173 in Maricopa County Courts, Phoenix, AZ. There I cannot appeal because of my husbands health and I give you my authority to appeal to the courts there in Phoenix.

Sincerely
/s/ Nellie E. Thompson
10037 Suez Dr. El Paso, TX 79925

THE STATE OF TEXAS
THE COUNTY OF EL PASO
Beforeme, the undersigned Etc... Etc... and seal of the office this 31st day of Aug. 1987

/s/ Sylvia Garcia Notary Public

Maurice L. Turner
5742 W. Frier Dr.
Glendale, AZ 85301
phone:(602)939-3290

x Filed x Copy
Feb. 15, 1995
Clerk U.S. Dist
Court Dist of AZ

United States District Court
District of Arizona

Maurice L. Turner Pro Se	) CIV-94-2357-PHX-SMM
PLAINTIFF	) Notice of Appeal
vs.	)
Irene Brown	)
DEFENDANTS	)
Nellie Brown Turner Thompson	)

Jurisdiction
U.S. District Court #9
State of Arizona

APPEAL

I now come before the U.S. District Court #9 State of Arizona and ask the Court to appeal the order entered and dated, Jan. 31, 1995 without prejudice.

My complaint was filed in the U.S. District Court #9 State of Arizona #CIV 94-2357-PH-SMM.

I will now come back before the

court and give specific facts in the matter, as I was limited to one paragraph in my complaint.

(1) I stated my complaint that my constitutional rights were violated, 1st Amendment, Freedom of Choice.

(2) I stated in my complaint that my appeals through the Arizona State Courts system were exhausted, and was left with only the next step which I feel is your court, provided to me by the 1st Amendment to the Constitution.

(3) This should also answer the question; lack of subject matter jurisdiction.

I will now list the facts and include copies from court records which I had to acquire by discoveries made after April 1986.

I mentioned an agreement in my complaint, drawn of by four attorneys at law, between the two defendants. This was a telephonic, as well as, court agreement. These two agreements differed, in their contents, as so stated in my appeal in the Superior Court of Arizona.

Fact #1 (Copy included in appeal) The agreement, dated Aug. 17, 1987. In this agreement, the two defendants agreed and in its contents included one deceased

Nelle Brown estate and of its closing to be forever forgotten. She die Feb. 2, 1984.

In this agreement, the two defendants agreed and in its contents included myself as a sibling, heir to ones body, and a deed was drawn and filed on real property claimed to be theirs, but this real property was not theirs to be agreeing to anything. This real property mentioned in the agreement was Nelle Brown's property and her heirs.

Nelle Brown's heirs were neither Nellie E. Brown Turner Thompson (daughter) or Irene Brown (daughter in-law). Nelle Brown's heirs at the time of her death were her four grandchildren.

Fact #2 (Copy included in appeal) real property mentioned in agreement (fact #1) was owned by Nelle Brown from inheritance from her grandfather John Wilson, by will dated and recorded in court records dated 1907 and the balance by mortgage dated and recorded in court records dated 1937.

Fact #3 (Copy included in appeal) Nelle Brown's estate has been in court proceedings starting in 1987 and is still in process as of today's date. This

should answer any questions regarding statue of limitations.

Fact #4 (Copy included in appeal) Contract of crop harvestings on the real property mentioned in the agreement were drawn up by parties including one Corinna Brown, Jesse L. Riley (attorney for defendant), Irene Brown and one Nellie E. Brown Turner Thompson. These people claim to own this property by a deed devised and invented out of the clear blue sky. These crops were in excess of well over $100,000 and paid to the two defendants and one deceased Corinna Brown. This deed that the three parties drew up and recorded was ignored by Nelle Brown as she knew she owned the property mentioned in the agreement.

Fact #5 (Copy included in appeal) Nelle Brown was married to one Lee H. Cook (1949) and they divorced (1957). This does nullify any and all wills written by Nelle Brown before the marriage as per Kentucky state law.

I ask and plead with you the court to understand my position as I have been cheated, frauded, betrayed, lied to, and as a citizen of the United States I ask

that you appeal the court order dated Jan. 31, 1995 without prejudice.

The demand that I mentioned in my complaint will still stand. I still have the initial agreement signed by Irene Brown.

signed /s/ Maurice L. Turner
5742 W. Frier Dr.
Glendale, AZ 85301
(602) 939-3290

Dated Feb. 15, 1995

JUDGEMENT

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

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x FILED
Jan 25, 1996
Clerk U.S. Dist
Court Dist of AZ

NO> 95-15367
CT/AG#: CV-94-02357-SMM

Maurice L. Turner
Plaintiff-Appellees

v.

Irene Brown; Nellie Brown Turner Thompson
Defendants-Appellees

APPEAL FROM the United States District Court for the District of Arizona (Phoenix).

THIS CAUSE came on to be heard on the Transcript of the Record from the United States District Court for the District of Arizona (Phoenix) and was duly submitted.

ON CONSIDERATION WHEREOF, It is now

here ordered and adjudged by this Court, that the judgement of the said District Court in this cause be, and hereby is AFFIRMED.

Filed and entered December 27, 1995.

A TRUE COPY
CATHY A. CATTERSON
Clerk of Court
Attest

Jan 18, 1996
by:/s/ (unreadable)
Deputy Clerk

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED
DEC 27, 1995
CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

MAURICE L. TURNER	) No. 95-15367
Plaintiff-Appellant,	) D.C. No. CV-94-
v.	) 02357-SMM
IRENE BROWN; NELLIE	)
BROWN TURNER THOMPSON	) MEMORANDUM*
Defendants-Appellees.	)

Appeal from the United States District Court for the District of Arizona
Stephen M. McNamee, District Judge, Presiding
Submitted December 19, 1995**

Before: SNEED, TROT, and HAWKINS, Circuit Judges.

Maurice Turner appeals pro se the district court's dismissal for lack of subject matter jurisdiction of his action against Irene Brown which alleged his First Amendment "freedom of choice" right was violated when he was not advised of the terms of an agreement covering the

distribution of assets of
the estate of Nellie Brown

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* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.
** The panel unanimously finds this case suitable for decision without oral argument. Fed. R. App. P. 34(a); 9th Cir. R. 34-4

To state a claim under 42 U.S.C. § 1983, the plaintiff must allege facts showing a person acting under color of state law deprived the plaintiff of a right, privilege, or immunity secured by the United States Constitution or the laws of the United States. Parratt v. Taylor, 451 U.S. 527, 535 (1981), overruled on other grounds, Daniels v. Williams, 474 U.S. 327 (1986). Turner fails to show that there was state action, or that he was deprived of a constitutional right. We agree with the district court that Turner has failed to establish a First Amendment violation. Furthermore, there was no other basis for jurisdiction, such as diversity. Accordingly, the district court's

dismissal for lack of jurisdiction is
AFFIRMED

A TRUE COPY
CATHY A. CATTERSON
Clerk of Court
ATTEST

Jan 18, 1996
by: /s/ (unreadable)
deputy Clerk

TERMED APPEAL

U.S. District Court
U.S. District Court for the District of Arizona (Phoenix)

CIVIL DOCKET FOR CASE #: 94-CV-2357

Turner v. Brown, et al Filed: 11/21/94
Assigned to: Judge Stephen M. McNamee
Demand: $0,000 Nature of Suit: 900
Lead Docket: None Jurisdiction: US Defendant
Dkt# in other court: None

Cause: 28:7422 Appeal from Administrative Decision

MAURICE L. TURNER pla	Maurice L. Turner [COR LD NTC] [PRO SE] 5742 W. Frier Dr. Glendale, AZ 85301 (602) 939-3290
IRENE BROWN dft	G David Gage, Esq [COR LD NTC] Gage & Mathers Ltd 2 N. Central Ave. Ste. 1125 Phoenix, AZ 85004 258-2102

NELLIE BROWN TURNER THOMPSON
dft

Docket as of February 24, 1995 10:57 am

APP. 13

AO 450 (Rev. 5/85)
Judgement in a Civil Case X FILED

JAN 9, 1995
CLERK U.S. DIST
COURT DIST OF AZ
BY /s/ (unreadable) DEPUTY

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

MAURICE L. TURNER,
Plaintiff, JUDGEMENT IN A CIVIL CASE
v.
IRENE BROWN, NELLIE BROWN TURNER THOMPSON
Defendants, CASE NUMBER:
CIV-94-2357 PHX SMM

Jury Verdict. This action came before the Court for a trial by jury, The issues have been tried and the jury has rendered its verdict.

X **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that the complaint and action are hereby dismissed without prejudice for lack of subject matter jurisdiction.

Date:Jan.31,1995 Clerk/DCE RICHARD WEARE
(By) Deputy Clerk /s/ (unreadable)

x FILED
JAN 9, 1995
CLERK U.S. DISTRICT COURT
DISTRICT OF ARIZONA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

MAURICE L. TURNER, Plaintiff,	)	CIV 94-2357-PHX-SMM
v.	)	
	)	ORDER
IRENE BROWN; NELLIE BROWN TURNER THOMPSON, Defendants.	)	

INTRODUCTION

Plaintiff initiated this pro se action on November 21, 1994. The complaint refers to three numbered cases in the Arizona Supreme Court, Arizona Court of Appeals, and Maricopa County Superior Court. The Complaint alleges that the agreement between the parties should be voided in its entirety and that the agreement designed by Defendant Brown should be enforced. The Complaint contains no specific facts regarding the agreement upon which this action is

based. Plaintiff simply alleges that his First Amendment right was violated.

Defendant Irene Brown moves to dismiss, or in the alternative, for summary judgement of the Complaint. To date, Plaintiff has not responded to Defendant's motion. The Court may construe a party's failure to respond to a motion as a consent to the granting of the motion. Rules for practice for the United States District Court, District of Arizona, 1.10(i). Having reviewed the record the Court dismisses the action for lack of subject matter jurisdiction. Therefore, the Court construes Defendant's motion as a Motion to Dismiss. See Fed. R. Civ. P. 56(c) (1994).

DISCUSSION

Defendants presents three arguments: lack of subject matter jurisdiction; res judicta; and statute of limitations. First, Defendant Nellie Brown Turner Thompson is a resident of Maricopa County, Arizona. Because Plaintiff is also a resident of Arizona, complete diversity does not exist to invoke the subject matter jurisdiction of this Court. See 28 U.S.C. § 1332 (1994). Accordingly, the Court has no subject matter jurisdiction based on diversity.

Second, Plaintiff refers to an agreement, made between the two Defendants, that somehow involves Plaintiff. Generally, such an action indicates a state-law cause of action. Although Plaintiff claims his first Amendment rights are at issue, he does not provide any specific facts to support the Court's jurisdiction based on federal question. The mere mention of a constitutional violation, without more, is insufficient to invgrant the Court of federal jurisdiction. See 28 U.S.C § 1331. Accordingly, the Court dismisses Plaintiff's Complaint for lack of subject matter jurisdiction.

Defendant also requests the Court to dismiss the Complaint with prejudice by addressing her other arguments. However, because the Court lacks subject matter jurisdiction, it has no authority to determine the merits of Defendant's arguments.

IT IS THEREFORE ORDERED Defendant's Motion to Dismiss/Motion for Summary Judgement is GRANTED. **(DOC #2).**

IT IS FURTHER ORDERED Oral Argument set for June 26, 1995, at 2:00 P.M. is VACATED as moot.

IT IS FURTHER ORDERED the Clerk of the Court shall DISMISS this action

without prejudice for lack of subject matter jurisdiction.

DATED this 31 day of January, 1995

/s/ Stephen M. McNamee
United States District Judge

Copies to Plaintiff and counsel of record

Maurice L. Turner
5742 W. Frier Dr.
Glendale, AZ 85301
Telephone: (602) 939-3290

X FILED
NOV 2, 1994
CLERK U.S DISTRICT COURT
DISTRICT OF ARIZONA
BY (blank) DEPUTY

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Maurice L. Turner Pro Se)
PLAINTIFF)
Vs.)
Irene Brown)
DEFENDANTS)
Nellie Brown Turner Thompson)

REFERENCE:
SUPREME COURT #CV-88-083-PR
COURT OF APPEALS #1CA-CIV-9839
MARICOPA COUNTY P-151173

JURISDICTION
U.S. DISTRICT COURT #9
STATE OF ARIZONA

COMPLAINT

Distribution of property of a deceased person and persons, of real property and

tangible assets, via agreement dated August 17, 1987 drawn up by four attorneys at law, between the two defendants. This agreement included myself, I being an American citizen by birth. My interpretation of the constitution of the United States (Amendment #1)"and to petition the government for redress of grievances. My grievance: I was not given the freedom of choice, of whether or not to be included in the aforementioned agreement. In plain and simple wording, my 1st amendment right was violated.

DEMAND

The agreement dated August 17, 1987 should be voided in its entirety and the agreement designed by Irene Brown, dated August 7, 1986 should be enforced as it was written.

Dated: November 19, 1994

/s/ Maurice L. Turner
5742 W. Frier Dr.
Glendale, AZ 85301
(602) 939-3290

Civil Register and Fee Book,
Court of Appeals
Division one

No.1CA-CIV9839
Appeal from Superior Court
Superior Court No.P-151173
County: Maricopa Judge: Richard H. Whitney

MOTION FOR RECONSIDERATION	PETITION FOR REVIEW
Filed 12/23/87	Filed 3/1/88
Denied 2/17/88	Denied 5/10/88 CV-88-0083-PR

APPEAL
In re the Estate of:
Corinna J. Brown, Deceased.
Irene Brown
Petitioner-Appellee,
And
Nellie E. Thompson
Respondent-Appellee,
v.
Maurice L. Turner,
Personal Representative
Appellant

Attorneys for Appellee
Mr. G. David Gage
Jesse L. Riley Jr. and G. David Gage Ltd.
101 North First Avenue

APP. 21

1575 Arizona Bank Building
Phoenix, Arizona 85003
Attys/Petitioner-Appellee Brown 258-2102

Mr. Ronald Cooley
Mr. Paul A. Wetzel
Attorney at Law
322 West Roosevelt Street
P.O. Box 13585
Phoenix, Arizona 85002
Attys/Respondent-Appellee
Thompson 258-1678

Attorneys for Appellant
Mr. Maurice L. Turner
4116 North 58th Avenue
Phoenix, Arizona 85031
Personal Representative Appellant

W/O OP/M
12/9/87

FEES

Date	1987		Receipt#	Amount
Oct	27	G. David Gage	36190-87	15.00
Nov	25	Maurice Turner	36409-87	25.00
Nov	25	Nellie Thompson	36410-87	15.00
Dec	17	Charles W.Turner	36579-87	1.50

1987
10/27 Filed: Record on appeal
(Instruments-minute entries) Reporters

Transcripts (1 vol. 8/17/87) Exhibits-(#1.2 in a brown manila envelope with list bond-($500 cash bond filed 9/15/87)
10/27 Filed: Motion to dismiss appeal (appellee)
10/28 Filed: Notice to counsel (11/27/87)
11/12 Filed: Response to motion to dismiss appeal (appellant)
11/12 Filed: Notice of representation (appellant)
11/20 Filed: Motion for assessment of attorneys fees (appellee)
11/20 Filed: Reply to response to motion to dismiss appeal (appellee)
11/24 Filed: Additional Instrument, Supr. Ct. 11/17/87, re: Response to motion to dismiss appeal
11/24 Filed: Additional Instrument, Supr. Ct. 11/17/87, re: Notice of representation
11/27 Filed: Motion for extension of time to file brief (appellant)
12/01 Filed: Supplemental response to response to motion to dismiss appeal:; Response to motion FPR assessment of attorneys fees (appellant)
12/01 Filed: Response to motion for extension of time to file brief (appellee)
12/03 Filed: Supplemental reply to supplemental response to reply to

response to motion to dismiss appeal, Reply to response to motion for assessment of attorneys fees (appellee)
12/09 Filed: Order-dismissing this appeal for the reasons stated in appellee's motion to dismiss. Further denying appellee's motion for assessment of attorneys fees. Further denying appellants motion for extension of time to file opening brief, as moot. (Dept D, Presiding Judge Froeb, Eubank. Haire)
12/23 Filed: Motion for reconsideration (pro per)
1988
1/5 Filed: Response to motion for reconsideration-and-motion of substitution of Irene Brown, Successor Personal representative, as appellant in place and stead of former personal representative Maurice Turner-and-motion to dismiss appeal by successor personal representative Irene Brown and assess attorneys fees. (appellee)
2/9 Filed: Answer to response re motion to dismiss reconsideration for appeal (Maurice Turner)
2/17 Filed: Order=Denying the motion for reconsideration, Further, Denying the motion for substitution, Further, Denying the motion to dismiss appeal as unnecessary, Further, Denying appellees

request for attorneys fees. (Dept D Judges Froeb, Haire, Eubank)
3/1 Filed: Petition for review (appellant)
3/2 Filed: Response to petition for review (appellee)
3/2 Filed: Cross-petition for review (appellee)
3/3 Filed: Letter, petition for review, response, briefs, to ASC.
5/13 Filed: Request to reply to response to petition for review. Filed in ASC 4/1/88.
5/13 Filed: ASC M.E. dated 5/11/88, Ordered: Petition for review=Denied, on 5/10/88. CV -88-0083-PR.
5/16 Filed: Letter, 5/16/88, Certified copy of order dismissing appeal, record to Clerk of Maricopa County Superior Court.